



May 2, 2025

**Via ECF; Courtesy Copy Via Email**

Hon. Naomi Reice Buchwald  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St., New York, NY 10007-1312

**Re: *Chung v. Trump et al.*, No. 25-cv-2412 (NRB)**

Dear Judge Buchwald:

This office represents The Intercept, a non-profit online news organization that is reporting about the above-referenced proceedings.<sup>1</sup> I write today to respectfully urge the Court rule on Ms. Chung's letter-motion to unseal certain search warrant materials, Dkt. 26 ("Letter-Motion"), which has been pending since April 4, 2025. The Government has indicated it does not oppose the unsealing of these materials, nor does it contest this Court's authority to unseal them and place them on the public docket in this matter. Letter-Motion at n.3.

I write to emphasize the significant interests of the press and the public in accessing the search warrant materials, and to urge this Court to immediately unseal them.

Under the common law right of access, the press and public alike have a presumptive right to inspect search warrants and supporting materials. "The common law right of public access to judicial documents is firmly rooted in our nation's history." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). Search warrants are "unquestionably judicial documents" to which the common law right of access attaches, as are supporting materials upon which the issuing court relied, such as the search warrant application and affidavits. *United States v. Cohen*, 366 F. Supp. 3d 612, 620 (S.D.N.Y. 2019) (collecting cases). Accordingly, "search warrants and search warrant materials are entitled to a strong presumption of public access," *id.* at 621, which should be unsealed absent compelling countervailing factors. *See United States v. Mullins*, No. 22-cr-120 (JGK), 2023 U.S. Dist. LEXIS 74008, at \*4 (S.D.N.Y. Apr. 26, 2023) (collecting cases).

Here, the Government has offered no countervailing factors that would support keeping the search warrant materials under seal. In fact, the Justice Department recently discussed the

---

<sup>1</sup> *See, e.g.*, Shawn Musgrave, *ICE Got Warrants Under "False Pretenses," Claims Columbia Student Targeted Over Gaza Protests*, The Intercept (Mar. 28, 2025), <https://theintercept.com/2025/03/28/ice-warrants-columbia-students-gaza-protests>.

search warrant at issue in press statements.<sup>2</sup> Ms. Chung — the private party with the strongest potential privacy interests at stake in the search warrant materials — not only supports unsealing them but has further strengthened the public’s interest in their disclosure by alleging the search warrants were obtained under “false pretenses.” Dkt. 1, ¶ 63. As Ms. Chung argued:

Any possibility that the Court may have been provided incorrect or false information as a basis for the Warrant makes release of the materials critical.

Letter-Motion at 2. *See also United States v. All Funds on Deposit at Wells Fargo Bank*, 643 F. Supp. 2d 577, 582 (S.D.N.Y. 2009) (holding that public access to search warrant materials “facilitates public monitoring of the various government agencies and branches”).

For the reasons above, The Intercept respectfully asks that this Court grant the Letter-Motion and permit the public access to the search warrant materials at issue.

Very truly yours,

/d/ David Bralow

David Bralow  
General Counsel  
**The Intercept Media, Inc.**

15 W. 38th Street, #636  
New York, NY 10018  
david.bralow@firstlook.org  
(646) 784-3287

---

<sup>2</sup> *See* Devlin Barrett, *Orders to Investigate Columbia Protesters Raised Alarms in Justice Dept.*, N.Y. Times (May 1, 2025), <https://www.nytimes.com/2025/05/01/us/politics/columbia-protests-justice-department.html> (quoting Deputy Attorney General Todd Blanche, in which Blanche referred to “an independent magistrate judge finding probable cause to believe that there was evidence on Columbia property of harboring and concealing illegal aliens.”).